IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

CHAMBER SUMMONS NO.769 OF 2006
IN
SUIT NO.771 OF 1987

P. M. Benefit Trust ..Plaintiff.
Vs.
Standard Graphics & Ors. ..Defendants.
And
Anil B. Shah & anr. ..Applicants.

....

Mr. Vinod Thaker i/b V. Thaker &Co. for the Applicants.

CORAM: DR. D.Y. CHANDRACHUD, J.

3rd August, 2006.

P.C. :

This Chamber Summons has been taken out by the Applicants for impleading the Applicants as co-plaintiffs since they are trustees of the plaintiff trust. The Chamber Summons has been served, affidavit of service has been filed.

A perusal of the plaint would show that the Second Applicant has verified the plaint in the capacity of a trustee of the trust. Counsel appearing for the Applicants has also placed on

record a copy of an unaffirmed affidavit that was prepared in October 1987 in support of the proposed Chamber Summons which remained to be filed through inadvertence. In these circumstances, in my view, the omission to include the Applicants was due to a mistake that occurred inadvertently and there is no want of good faith. In the circumstances, having regard to the provisions of Section 21 of the Limitation Act, 1963, the amendment impleading the Applicants as plaintiffs shall relate back to the institution of the suit.

The Chamber Summons is made absolute in terms of prayer clause (a).